

DETAILED ACTION

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 to 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2002/0091200.

Angiolini et al 2002/0091200.

The Angiolini et al reference teaches an optical film, note entire reference. The optical film comprises a polymer. The film is repetitive units a-b. Unit a is a polyarylate with one or more different bisphenolfluorene units, note figures. The b unit is a divalent

hydrocarbon group with up to 20 carbon atoms, note figures. The sole difference between the instant claims and the prior art is the specific groups attached to the bisphenolfluorene units. However, it would have been obvious to one of ordinary skill in the art to determine through routine experimentation the optimum, operable specific groups to modify the references and use the attached phenyl groups as the references do teach using different derivatives.

Response to Applicants' Arguments

Applicant's arguments filed March 3, 2010 have been fully considered but they are not persuasive.

Applicants' argument concerning the r groups is noted. However, the reference clearly overlaps the types of r groups that are now claimed. Even being limited in its teachings, there does exist a clear overlap of what can be used as an r group. Further, the reference shows various different arrangements of the r groups on the bis phenolfluorene groups. The reference does teach that variations are well known and within the skill of the art. Further, applicants have supplied no evidence to indicate that the claimed compound would have not been obvious to one of ordinary skill in the art in view of the teachings set forth in the reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Kunemund whose telephone number is 571-272-1464. The examiner can normally be reached on 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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